

1 THE HONORABLE THOMAS S. ZILLY  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 BUNGIE, INC.,

10 Plaintiff,

11 v.

12 AIMJUNKIES.COM; PHOENIX DIGITAL  
13 GROUP, LLC; DAVID SCHAEFER; JORDAN  
14 GREEN; JEFFREY CONWAY AND JAMES  
15 MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.'S  
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:  
November 9, 2023

16 At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix  
17 Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively,  
18 “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated  
19 Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal  
20 Appendix C to the Proposed Pretrial Order and the associated video files to be filed physically  
21 with the Court.

22 A party may file a document under seal without prior court approval “[i]f the party files a  
23 motion or stipulated motion to seal the document . . . at the same time the party files the sealed  
24 document.” LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the  
25 parties met and conferred about the need to file the document under seal, the ability to minimize  
26 the material filed under seal, and the possibility of exploring alternatives to filing under seal. LCR

PLAINTIFF'S MOT. TO FILE UNDER SEAL  
(No. 2:21-cv-811) – 1

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1 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file  
2 confidential documents it obtained from another party in discovery may file a motion to seal but  
3 need not provide a specific statement of the applicable legal standard and the reasons for keeping  
4 a document under seal. LCR 5(g)(3)(B).

5 Here, Bungie intends to file under seal excerpts of deposition transcripts from Defendants  
6 that Bungie has designated for use at trial that were taken in the parallel JAMS arbitration  
7 proceeding between the same parties and which were designated in their entirety as Confidential  
8 by Defendants, as well as the video deposition files associated with these excerpts. Bungie has an  
9 obligation to maintain the confidentiality of this information under the stipulated protective order  
10 in this case and the virtually identical order in the arbitration proceeding.

11 On November 9, 2023, Bungie's counsel notified counsel for Defendants via email of its  
12 intent to file Appendix C in connection with the Proposed Pretrial Order, including the specific  
13 portions of the deposition testimony to be cited, and asked Defendants to confirm whether they  
14 intended to maintain their confidentiality designations over those portions of the transcripts.  
15 Defendants' counsel stated that the excerpts are still confidential and did not provide a basis for  
16 the confidential designations.

17 A proposed order accompanies this motion.

18 I certify that this memorandum contains 348 words, in compliance with the Local Civil  
19 Rules.

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(No. 2:21-cv-811) -2

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1 Dated: November 9, 2023

2 By: /s/Jacob P. Dini

3 William C. Rava, Bar No. 29948  
Christian W. Marcelo, Bar No. 51193  
Jacob P. Dini, Bar No. 54115

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8 *Attorneys for Plaintiff Bungie, Inc.*

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(No. 2:21-cv-811) -3

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